

Notice of Allowability	Application No.	Applicant(s)	
	10/665,644	ELZE ET AL.	
	Examiner	Art Unit	
	Paul A. Chenevert	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Terminal Disclaimer and Amendment filed 05NOV04.
2. ☒ The allowed claim(s) is/are 2-5 and 7.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 6/24 & 9/17/04.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

Terminal Disclaimer

1. The terminal disclaimer filed on 05NOV04 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 6,527,488 B2 has been reviewed and is accepted. The terminal disclaimer has been recorded on 29NOV04.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. The application has been amended as follows:

Page 1:

Lines 5, 17 & 20, ".." has been changed to --.--,

Line 11, --.-- has been inserted at the end of the sentence.

Page 2:

Starting at line 1 and ending on line 2 of page 3 --DUNNAGE BAG HAVING A MESH PLY...at its destination and prior to unloading, the bags are punctured and discard-- has been deleted as this material relates to U.S. Patent 6,527,488 B2.

Page 4:

Line 9, ".." has been changed to --.--.

Page 7:

Line 5, --.-- has been inserted at the end of the sentence,

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Line 6, "U.S. Patent 4,473,310" has been changed back to -- U.S. Patent 4,473,331--,
Line 10, the sentence has been closed to only two lines,
Line 16, "U.S>" has been changed to --U.S.-- and "et al" has been changed to --et al.--,
Line 18, "togethe" has been changed to --together-- and --"-- has been employed to close
the parenthesis around "mattress",
Line 20, "woth" has been changed to --with--,
Line 21, "greate" has been changed to --greater--.

Page 8:

Line 2, "sucha" has been changed to --such--.

Page 9:

Lines 6 & 14, "." has been changed to --.--,
Line 17, "xubstantially" has been changed to --substantially--.

Claim 7:

Line 10, "." has been changed to --;--.

4. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

- a. Reference number 14 should be added to Figure 1.
- b. Reference number 36 should be added to Figure 3.
- c. Formal drawings should be submitted.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

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5. The following is an examiner's statement of reasons for allowance: the prior art does not show or make obvious Applicant's dunnage bag comprising: an air tight inner bag; a valve means; and an outer paper bag including a main paper folded to form two broad sides, a bottom side, and a top side with two opposite edges glued together to form a tube having two end edges and a pair of rectangular side paper panels.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is 703-305-0837. The examiner can normally be reached on Mon-Fri (8:30-5:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul A. Chenevert
Examiner
Art Unit 3612

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02DEC04


D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
12/8/04